

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:11CR26-02
(STAMP)

SIMON LEE,

Defendant.

ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT
AFFIRMING AND ADOPTING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE

On September 1, 2011, the defendant in the above-styled criminal action filed a motion to suppress. On September 29, 2011, United States Magistrate Judge James E. Seibert issued a report and recommendation recommending that the motion be denied because the defendant signed a plea agreement and orally moved to withdraw his motion to suppress. At the defendant's plea hearing, held on October 17, 2011 at the Wheeling point of holding court, this Court affirmed and adopted the report and recommendation of the magistrate judge and denied the pending motion to suppress as moot. This order hereby CONFIRMS the pronounced order of the Court and AFFIRMS the magistrate judge's report and recommendation and DENIES the defendant's motion to suppress as moot.

The Clerk is directed to transmit a copy of this order to the defendant and to counsel of record herein.

DATED: October 17, 2011

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE